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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SYNCPOINT IMAGING, LLC,

Plaintiff,

v.

NINTENDO OF AMERICA, INC., et al.

Defendants.

**DECLARATION OF JOSEPH G. PIA IN
SUPPORT OF LANNEA BUTLER'S
MOTION AND MEMORANDUM TO
QUASH NON-PARTY SUBPOENAS AND
TO AWARD FEES, AND ISSUE A
PROTECTIVE ORDER**

Case No. 2:16-mc-00013-DAK

Pending in the United States District Court
For the Eastern District of Texas
CIVIL ACTION NO. 2:15-cv-00247-JRG-RSP

I, Joseph G. Pia, declare as follows:

1. I am over the age of 21 and have personal knowledge of the facts set forth in this Declaration.

2. The facts set forth in this Declaration are based upon my personal knowledge. If called upon, I could and would testify competently and truthfully thereto.

3. I, with my law firm, Pia Anderson Dorius Reynard and Moss (“PADRM”), represent SyncPoint Imaging, LLC, in the underlying case in the United States District Court for the Eastern District of Texas, *SyncPoint Imaging, LLC v. Nintendo of America Inc. et al*, Case No. 2:15-cv-00247-JRG-RSP (E.D. Tex.) (“Underlying Case”).

4. Lannea Butler is a trial paralegal to PADRM in the Underlying Case and has been since before the time of the filing of the complaint.

5. Ms. Butler is involved in every aspect of the Underlying Case including discovery, filing motions, legal research, document review, deposition preparation, hearing preparation, and providing other support. She will be the primary paralegal at trial.

6. **Exhibit B** to the Motion and Memorandum to Quash Non-Party Subpoena and to Award Fees, and Issue a Protective Order (“Motion”) is a true and correct copy of the Subpoena issued by Defendants Nintendo Co. Ltd. and Nintendo of America, Inc. (collectively “Nintendo”) on November 20, 2015 (“First Subpoena”).

7. Following receipt of the First Subpoena, I conferred with counsel for Nintendo. I indicated to counsel for Nintendo that the Work Product Assignment was a draft not being relied on in the case, and that it was work product that had been was inadvertently produced, which would therefore be clawed back under the parties’ discovery orders.

8. I agreed with counsel for Nintendo that a reasonable resolution to the subpoena was to have Nintendo withdraw the subpoena, and permit it to issue limited interrogatories on Ms. Butler and SyncPoint’s corporate representative. We agreed that the parties would reserve their rights regarding further claims for additional discovery and defenses to that discovery. I also agreed that SyncPoint would not use the close of fact discovery as a defense.

9. **Exhibit C** to the Motion is a true and correct copy of the Responses to Nintendo's Interrogatories to Lannea Butler.

10. **Exhibit D** to the Motion is a true and correct copy of the Responses to Nintendo's Interrogatories to Karl Hansen, SyncPoint's representative.

11. **Exhibit E** to the Motion is a true and correct copy of the Subpoena issued by Nintendo on December 22, 2015 ("Second Subpoena").

I declare to the best of my knowledge and recollection under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

Dated: January 4, 2016.

By: Joseph G. Pia
Joseph G. Pia